

### **REMARKS**

Claims 18-31 are pending in the present application. Claims 1-17 have been canceled. Claims 18-23, 27-29 and 31 have been amended.

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the remarks appearing below, which Applicants believe place the application in condition for allowance.

#### **Rejection Under 35 U.S.C. § 112, First Paragraph**

The Examiner has rejected claims 18, 19, 23, 24, 28 and 29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the application as originally filed fails to disclose the feature that the second spacer has a length extending along said gate that is substantially equal to said width of said source portion as recited in the rejected claims.

Applicants have amended claims 18, 19 and 23 in a manner that the language at issue is no longer present. Therefore, the present rejection is moot relative to these claims. However, Applicants have amended claim 27 to substantially contain the language at issue. Consequently, the rejection is relevant to amended claim 27, as well as claims 28-31 that depend therefrom.

Applicants respectfully disagree that the application as originally filed did not disclose the second spacer having a length extending along the gate substantially equal to the width of the source portion. This is exactly what is shown in FIG. 2 of the application, in which element 124 is the source portion and element 136 is the spacer. Clearly, the length of spacer 136 along gate 132 is substantially equal to the width of source 124 (the width is the dimension that is measured parallel to the length of gate 132). The length of gate 132 is substantially equal to the width of source 124 as a result of etching. Applicants use the modifier "substantially" in the claim phrase "substantially equal to" to account for the lack of exact precision in etching processes. Those skilled in the art will readily understand the scope and meaning of the term "substantially" in this context because those skilled in the art understand the inherent imprecision of etching. Since, as those skilled in the art would understand, the length of spacer 136 is a natural and predictable result of implementing various material deposition and etching steps disclosed in the original application as filed, the limitation at issue clearly meets the written description requirement of 35 U.S.C. § 112, first paragraph.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the present rejection.

**Rejection Under 35 U.S.C. § 103**

The Examiner has rejected claims 17, 20-22, 25-27, 30 and 31 under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 6,413,802 to Hu et al. and admitted prior art, stating that Hu et al. disclose all of the limitations of these claims except an integrated circuit containing a plurality of finFETs. The Examiner then asserts that in view of the admitted prior art it would have been obvious to a person having ordinary skill in the art at the time of the invention to make an integrated circuit containing a plurality of the Hu et al. finFETs. Applicants respectfully disagree.

As best seen in FIG. 2E of the Hu et al. patent, Hu et al. disclose a finFET having, among other things, a gate "fin" and a pair of spacers (24) extending along the length of the gate fin. As the Examiner has indicated in connection with the allowability of claim 19, Hu et al. do not disclose or suggest a third spacer adjacent the base region of the fin. Applicants note that amended claims 19, 23 and 28 each require such a third spacer and, therefore, should be patentable over the references of record.

Regarding claim 17, Applicants have canceled this claim. Therefore, the present rejection of this claim is moot.

Regarding claims 20 and 21 (and 18), these claims depend from claim 19, which Applicants believe is allowable as including the three spacers the Examiner has indicated as being a patentable feature. For at least this reason, these claims should also be patentable.

Regarding independent claim 22, as amended this claim requires among other things a first spacer formed adjacent the entire base of the source. Clearly, the Hu et al. device does not show a spacer at the base of the source having such a large extent. Rather, the Hu et al. device includes only two spacers, neither of which extends the entire base of the source. The Hu et al. spacer that is adjacent the source is only present proximate the gate. It does not extend along the entire base of the source as required by amended claim 22. Since Hu et al. do not disclose or suggest the first spacer of amended claim 22, the Hu et al. device cannot anticipate claim 22, nor claims 23-26 that depend therefrom.

Regarding independent claim 27, as amended this claim requires among other things first and second spacers above, respectively, the source and drain, wherein each spacer has a length

substantially equal to the width of the respective source or drain immediately adjacent the gate. Clearly, Hu et al. do not disclose or suggest such spacers. Rather Hu et al. disclose two spacers, each of which extends the entire length of the gate and is thus, far longer than the width of the source and drain. Since Hu et al. do not disclose or suggest the relatively short first and second spacers of amended claim 27, the Hu et al. device cannot anticipate claim 27, nor claims 28-31 that depend therefrom.

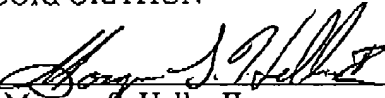
For at least these reasons, Applicants respectfully request that the Examiner withdraw the present obviousness-type rejection.

### CONCLUSION

In view of the foregoing, Applicants submit that claims 18-31, as amended, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

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BTV.427987.1